

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
DECEMBER 19, 2103**

Town of Andover  
36 Bartlet Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Floyd Greenwood and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

The Conservation Commission Open Session Meeting was opened at 7:45pm.

At 7:55pm on a Motion by Commissioner Driscoll, seconded by Commissioner Honea, the Conservation Commission entered into Executive Session to approve form of Executive Session Minutes and vote to release said Minutes in Open Session and will return to open session.

**SCHEDULED ITEMS:**

**Burton Farm Road and Enmore Street**

**Present in Interest: Meghan Selby, Chris Lovett and Felipe Schwarz**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the replacement of existing sewer line at Burton Farm Road and Enmore Street.

Agent Cleary presented this to the Commission. The filing is under the WPA only, however it is subject to the By-Law and that finding will be made in the Order of Conditions. A waiver letter was received under the By-Law for proposed work within the 25 foot non-disturb and for plan requirements to be 1”=30” vs. the required 1”=40’. The file is under review with DEP.

Meghan Selby presented the project to the Commission. An 8” cast iron pipe running from Burton Farm Road to Enmore Street through a 30’ right of way will be replaced with a 12” pipe which will upgrade the capacity from the upstream flows. There is BVW within the easement and a perennial stream to the north. There is a small riverfront area which will be restored after

the pipe installation as well as a 75 foot wetland crossing. The existing pipe will be kept in place while the work is ongoing. The organic layer will be stockpiled then reapplied once the project is complete. The Applicant would like the work to begin as soon as possible to be complete before the spring. There will be no work in rainy conditions and the work area will be stabilized at the end of every day.

Staff informed the Commission that this work is mitigation for other work being done on the Merrimack College site. The Application was made by the Town; however Merrimack College will be performing the work. A site monitor, Jeff Bridge, will be appointed to this site. Erosion controls, specifically waddles and silt fencing, will be in the BVW area for additional protection. The existing pipe will be backfilled and dewatering will be done through a filter bag and hay bales before discharging. Staff will need the construction sequencing. The gas line in Enmore Street only will be replaced during the project, but the work is outside the buffer zone.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to approve the request for waivers; it was seconded by Commissioner Greenwood and unanimously approved. Commissioner Driscoll made a Motion to continue to January 7, 2014, it was seconded by Commissioner Honea and unanimously approved.

## **16 County Road**

**Present in Interest: Bill MacLeod, George Soud and Gerry Welch**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Carolina Properties, LLC, under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed construction of an addition, garage under and driveway at 16 County Road.

Agent Cleary presented this to the Commission. The filing is under the WPA only and is a Riverfront development. Revised plans have been submitted showing extensive revisions to flagging. The Alternative Analysis is limited to the lot only and is weak. With the changes in flagging, the corner of the proposed garage is 15-16 feet from the BVW. Non-disturb bounds should be placed on the 100 foot Inner Riparian line gradually merging into the 25 foot non-disturb moving towards the rear of the lot. Evidence of wildlife corridor was confirmed by 3 people on site. The project is under review with DEP. Erosion controls should be within the 100 foot buffer zone.

Mr. MacLeod presented the project to the Commission. Flags have been adjusted and a revised plan will be submitted. The lot is lawn to the edge of wetlands. Since it is an existing house, we are not proposing a buffer zone. The homeowner would like 1 pine tree within the 100 foot inner riparian and 2 other pine trees to be removed due to the hazard they present to the home.

Chairman Cooper informed Mr. MacLeod that the Riverfront regulation provides for either 10% disturbance of 5,000 square feet, PROVIDED, an area of 100 feet of undisturbed vegetation is

provided. Mr. MacLeod explained that his opinion is that the lawned area is undisturbed vegetation per his discussion with DEP. The regulations do not state the area has to be overgrown vegetation, just undisturbed vegetation. Mowing of a lawn is not considered disturbing vegetation according to Mr. MacLeod. Mr. MacLeod also informed the Commission that while he was on a site visit with a few of the Commissioners, he brought them over to this site to take a look prior to the hearing.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to continue to January 21, 2013; it was seconded by Commissioner Honea and unanimously approved.

### **276 North Main Street**

**Present in Interest: Jack McQuilkin and Maureen Hanley**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Bill Langlois, Sasha Associates Trust, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed replacement of an existing stone culvert, reconstruction of a stone wall and resurfacing and paving of driveway at 276 North Main Street.

Mr. Douglas presented this to the Commission. The project is on the Wood Estate which has an old roadway which extends to Route 133. The culvert has failed and breached the roadway and needs to be replaced or repaired. The site includes a perennial stream, floodplain and a large red maple wetland. The proposed culvert will have a natural stream bottom and will be bigger in size, but not meet the new stream crossing policy. DEP has no comments.

Jack McQuilkin presented the project to the Commission. The new culvert will be the same design and hydrolics that currently exist. A bigger culvert would upset the existing ecosystem and cause more water to run to the Shawsheen River, possibly adding to the flooding issues. Stream Crossing Standards state that downstream flooding should be taken into consideration when replacing a culvert as well as the existing ecosystem and every effort has been made to maintain the existing conditions.

Chairman Cooper agreed that the standard has been to not change what is existing while making repairs.

Commissioner Greenwood asked for a site visit. Site visit scheduled for December 20, 2013.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to January 7, 2014, it was seconded by Commissioner Driscoll and unanimously approved.

### **344 River Road**

**Present in Interest: John Wang, Jim Scali and Doug Smith**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Jim Scali, Builders Alliance Group, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling at 344 River Road.

Agent Cleary presented this to the Commission. File is complete and under both the WPA and By-Law. Revised plans which included clarification of the property line; extension of non-disturb markers based on property line; proposed contours; and flags A1 and A2 were moved further upgradient. Additional funding has also been received from the Applicant. The project meets all our setback requirements. Revised plans were received at the hearing. DEP has no comment yet as it is under review.

Commissioner Sutherland asked for a Motion. Commissioner Greenwood made a Motion to continue to January 7, 2014; it was seconded by Commissioner Driscoll and unanimously approved.

### **ACTION ITEMS:**

#### **Rolling Green**

##### **Present in Interest: Kathryn Morin**

*Staff Recommendation: Approve and Accept. Open Space Deed*

Approval and Acceptance of Open Space Deed.

Commissioner Honea made a Motion to Approve and Accept the Open Space Deed; it was seconded by Commissioner Driscoll and unanimously approved.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from December 3, 2013 Meeting.

Commissioner Honea made a Motion to Approve the Minutes; it was seconded by Commissioner Driscoll and unanimously approved.

### **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

#### **25 Enfield Drive**

Ratification of Emergency Certification for breach of a beaver dam.

Commissioner Porter made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

**12 Coventry Lane**

Discussion of 30 day extension for Site Monitoring Fee issued under the Enforcement Order.  
Check received 48 hours after it was due.

Commissioner Greenwood made a Motion to approve a 2 day Extension for the Site Monitoring Fees; it was seconded by Commissioner Driscoll and unanimously approved.

**38 Sunset Rock Road**

Sign revised Certificate of Compliance

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Honea and unanimously approved.

The Commission entered into Executive Session to discuss pending litigation and will not return to open session.

**The next meeting will be held January 7, 2014 at 7:45pm.**

**The meeting was adjourned at 9:35pm by Motion of Commissioner Driscoll and seconded by Commissioner Greenwood and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**